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Human rights situation in Palestine and other
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Human rights situation in the Occupied Palestinian Territory, including East Jerusalem*

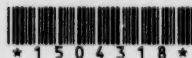
Report of the Secretary-General

Summary

The present report is submitted pursuant to Human Rights Council resolution 25/29 on the human rights situation in the Occupied Palestinian Territory, including East Jerusalem. It presents an analysis of how key violations of international human rights law and international humanitarian law and abuses of human rights by all duty bearers drive the conflict and violence, and explains how an end to those violations and abuses is a key component of any enduring peace.

* Late submission.

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I. Introduction

1. The present report, submitted pursuant to Human Rights Council resolution 25/29, covers the period from 26 May 2013 to 31 October 2014. It is based primarily on monitoring and other information-gathering activities carried out by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other United Nations entities in the Occupied Palestinian Territory. It also contains information obtained from Israeli and Palestinian non-governmental organizations (NGOs), and from media sources.
2. The report does not provide a comprehensive account of all human rights concerns in the Occupied Palestinian Territory and should be read in conjunction with the reports of the Secretary-General on Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the Occupied Syrian Golan (A/HRC/28/44 and A/69/348) and other recent reports of the Secretary-General and the High Commissioner (A/HRC/28/80 and Add.1, and A/69/347).

II. Legal background

3. International human rights law and international humanitarian law are applicable in the Occupied Palestinian Territory. A detailed analysis of the legal obligations of Israel as the occupying Power, the Palestinian Authority, the de facto authorities and Palestinian armed groups in Gaza can be found in the High Commissioner's first periodic report on the situation of human rights in the Occupied Palestinian Territory (A/HRC/12/37, paras. 5–9).
4. In 2014, the State of Palestine acceded to 20 international treaties,¹ including seven of the nine core international human rights treaties.
5. By acceding to those treaties, the State of Palestine has assumed legal obligations under international law, including the obligation to report to various human rights treaty bodies. Nevertheless, Israel, as the occupying Power, remains bound by international human rights law and humanitarian law, while other relevant actors also remain bound by international law.
6. On 23 April 2014, Fatah and Hamas agreed to form a government of national consensus, which was sworn in by the President, Mahmoud Abbas, under the leadership of the Prime Minister, Rami Hamdallah, on 2 June 2014. However, from 2 June 2014 to the end of the reporting period, there remained uncertainty regarding the actual power exercised by the Government and the degree to which it or any other authority or group exercised control in Gaza. In any event, it must be recalled that those authorities or groups exercising government-like functions and effective control over territory in Gaza are bound by relevant human rights law in that territory (see A/HRC/8/17, para. 9).

¹ <http://nad-plo.org/userfiles/file/fact%20sheets/Q&A%20Accession.pdf>

III. Violations and abuses by all duty bearers as drivers of violence and conflict

A. Introduction

7. The period covered by the present report spans yet another deterioration of the conflict, with increased levels of violence and widespread violations of international human rights law and international humanitarian law. That deterioration was not confined to the Gaza Strip, where an escalation in hostilities in July and August 2014 led to unprecedented, but all too familiar, destruction and bloodshed. It extended also to the West Bank, including East Jerusalem, which saw its bloodiest year for many years and a resumption of some of the harshest policies of the Israeli occupation.

8. Although the violations by all duty bearers documented by OHCHR reached levels not seen for some years, they were not new. The population in the Occupied Palestinian Territory has been subjected to those same violations to varying degrees since the beginning of the occupation in 1967, with the situation seemingly locked into an endless succession of violations, violence and impunity. Human rights violations are not just a symptom of the conflict; they drive it in an ever-worsening cycle of violence.

9. That cycle must be ended. As has been repeatedly highlighted, for there to be an enduring peace, the root causes of the conflict must be addressed. These include ending the occupation and addressing the legitimate security concerns of Israel.² At the same time, there can be no meaningful peace unless human rights are placed at the centre of the process. Understanding the link acknowledged in the Universal Declaration of Human Rights³ between human rights and peace and security is essential. The former High Commissioner for Human Rights recently described how numerous conflicts had “built up over years — and sometimes decades — of human rights grievances”.⁴ The Security Council has highlighted that any comprehensive approach to conflict prevention includes strengthening “respect for, and protection of, human rights”.⁵ Ending the cycle of conflict and violence means addressing past, present and future violations of human rights.

10. The Security Council has also stressed “the importance of accountability in preventing future conflicts, avoiding the recurrence of serious violations of international law, including international humanitarian law and human rights law” and ensuring an end to impunity for such violations.⁶ Alongside accountability, other efforts to address the current human rights situation are needed. The Secretary-General, in his Human Rights Up Front initiative, has suggested that human rights information can be a powerful tool in shaping effective responses to conflict with “transformational impact”.⁷ There is no shortage of comprehensive reports setting out the human rights situation in the Occupied Palestinian Territory. It is time for that information to be acted upon. It is only by addressing the human rights issues set out in the present and numerous previous reports that the Occupied Palestinian Territory can be set on a more hopeful course. If left unaddressed, they will only serve to aggravate the conflict.

² See S/PV.7291.

³ The preamble states that “it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law”.

⁴ See S/PV.7247.

⁵ Security Council Resolution 2171 (2014), preamble.

⁶ *Ibid.*, preamble.

⁷ www.un.org/apps/news/infocus/sgspeeches/statments_full.asp?statID=2068#_VGOF07ccSB8.

B. Cycles of violence and impunity

Escalations in Gaza

11. During the reporting period, active hostilities again flared up between Israel and Palestinian armed groups in Gaza. An increase in hostilities could be observed from the second half of 2013,⁸ with 13 Palestinians, including a 3-year-old girl, and one Israeli killed during the period between 26 May 2013 and 6 July 2014.⁹ On the night of 7 July, Israel launched a military operation in Gaza. Over the next 51 days, until a sustained ceasefire on 26 August, the parties engaged in intense hostilities, causing damage and destruction on an unprecedented scale in Gaza.

12. According to information gathered by the Protection Cluster¹⁰ as of 1 December 2014,¹¹ a total of 1,549 Palestinian civilians, including 306 women and 539 children, had been killed. Palestinian Ministry of Health figures indicate that 11,231 Palestinians, including 3,540 women and 3,436 children, had been injured.¹² Almost 22,000 housing units, home to an estimated 132,000 people, had been totally destroyed or so severely damaged as to be uninhabitable.¹³ At the height of the escalation, approximately 500,000 Palestinians, more than a quarter of the entire population in Gaza, were internally displaced.¹⁴

13. Between 8 July and 26 August, Palestinian armed groups fired 4,881 rockets and 1,753 mortars towards Israel.¹⁵ According to official Israeli sources, 66 soldiers and six civilians were killed, while 369 soldiers and civilians were injured during the fighting or as a result of rocket attacks.¹⁶

14. The 2014 escalation, together with previous large-scale escalations in 2008/09 and 2012 and sporadic violent escalations in between, form part of a recurrent pattern of serious violations of international humanitarian law and international human rights law by all parties. Each escalation involved significant loss of life; in each case, civilians have paid a heavy price in terms of fatalities, injuries and suffering.

⁸ See the report of the Secretary-General on Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem (A/69/347), paras. 40–43.

⁹ Source: Al-Mezan Centre for Human Rights (figures do not include casualties in the access-restricted areas (see paras. 18–20 below)); United Nations Department of Safety and Security (UNDSS); A/69/347, paras. 40–43.

¹⁰ The Protection Cluster is the mechanism for coordinating humanitarian action by United Nations and non-United Nations humanitarian organizations working in the protection sector. It is one of several such sectoral clusters. OHCHR leads the Protection Cluster in the Occupied Palestinian Territory. For more information on the cluster system, see www.ochaopt.org/content.aspx?id=1010056. The casualty figures are subject to ongoing verification.

¹¹ Updated figures outside the reporting period are provided where available.

¹² www.moh.ps/attach/761.pdf.

¹³ Source: Shelter Cluster.

¹⁴ www.ochaopt.org/documents/ocha_opt_sitrep_26_08_2014.pdf and www.ochaopt.org/documents/gaza_mira_report_9september.pdf.

¹⁵ Source: UNDSS.

¹⁶ www.shabak.gov.il/English/EnTerrorData/Reports/Pages/Monthly0814.aspx; www.shabak.gov.il/English/EnTerrorData/Reports/Pages/Monthlysummary%E2%80%9393July2014.aspx; www.idfblog.com/blog/2014/07/19/fallen-soldiers-operation-protective-edge/; and <http://mfa.gov.il/MFA/ForeignPolicy/Terrorism/Victims/Pages/In%20Memory%20of%20the%20Victims%20of%20Palestinian%20Violence%20a.aspx>.

Comparative fatalities, injuries and displacement in Gaza escalations

	2008/09	2012	2014
Fatalities in Gaza Strip	Between 1387 and 1417	174	2256
Fatalities in Israel/of Israelis	13	6	72
Injuries in Gaza Strip	5300	Between 900 and 1500	11231
Injuries in Israel/of Israelis	918	239	369
Peak number of displaced persons in Gaza Strip	Approx. 90000	Approx. 27000	Approx. 500000
Houses severely damaged or destroyed in Gaza Strip	6,228	382	21921
Houses partially damaged in Gaza Strip	56646	Approx. 8000	91445
Houses damaged or destroyed in Israel	No data ^a	80	No data

Sources: <http://shelterpalestine.org/Upload/Doc/0804g/Upload/Doc/8c3ade5f rg/Upload/Doc/8dd754b125-6e13-49ea-830f-8da090c9c64f.pdf> <http://shelterpalestine.org/Upload/Doc/8c3ade5f rg/Upload/Doc/8dd754b125-6e13-49ea-830f-bf90-b82a-4ac7-bf90-cf93719a970f.pdf> <http://shelterpalestine.org/Upload/Doc/8c3ade5f rg/Upload/Doc/8dd754b125-6e13-49ea-830f-95-b24d-4aeb-80c2-1f4cae79e6ee.pdf>

^a See A/HRC/12/48, paras. 1,659–1,661.

15. After the 2008/09 escalation, the report of the United Nations Fact-Finding Mission on the Gaza Conflict (the Goldstone Report) concluded that Israel, the responsible Palestinian authorities and Palestinian armed groups had committed violations of international human rights law and international humanitarian law, some amounting to “war crimes” and “crimes against humanity” (A/HRC/12/48, paras. 311–1772). Similarly, in relation to the Israeli military operation in November 2012, OHCHR documented violations of international law committed by both the Israel Defence Forces and Palestinian armed groups (A/HRC/22/35/Add.1). Numerous allegations of violations of international human rights law and international humanitarian law were documented by OHCHR during the 2014 hostilities. Those findings are presented in an addendum to the High Commissioner’s annual report on the Occupied Palestinian Territory (A/HRC/28/80/Add.1). As noted in the addendum, those alleged violations can only be distinguished from the alleged violations documented in relation to the previous escalations in Gaza by their elevated number and devastating impact. It will fall to the independent commission of inquiry established under Human Rights Council resolution S-21/1 to investigate those allegations in full.

16. The alleged violations, documented by OHCHR in 2014, mirror those documented and investigated in 2008/09 and 2012, thereby underscoring the recurrent nature of the violations in Gaza and the failure of efforts to prevent their repetition. They included serious concerns about targeting decisions taken by Palestinian armed groups; indiscriminate attacks; respect for distinction and proportionality; locating military objects in civilian buildings; launching rockets from densely populated areas; and execution of suspected collaborators.¹⁷ The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) also confirmed that weapons had been placed in vacant UNRWA schools during the 2014 escalation, in breach of the inviolability of United

¹⁷ A/HRC/12/48, paras. 439–498, A/HRC/22/35/Add.1, paras. 32–45.

Nations premises.¹⁸ In relation to Israel, there are serious concerns with regard to the alleged failure of the Israel Defence Forces to respect the legal principles of distinction, proportionality and precaution in attack. Those concerns arise in the context of targeting decisions; the taking of all necessary precautions; the proportionality of the attacks; respect for the distinction between civilians and civilian objects and military objectives, especially during the ground operation; attacks on and close to schools, including those used as shelters for the displaced; attacks on hospitals, ambulances and ambulance staff; and the alleged arrest and transfer of Palestinians from Gaza to Israel during the ground operation.¹⁹

17. Following the ceasefire on 26 August, OHCHR observed a significant decrease in violence, recording no deaths, six rockets fired and no air strikes as of 24 October 2014. The limited ceasefire which, as in the case of each previous escalation, ended the 2014 escalation, involved some easing of the restrictive measures on the movement of people and goods from and into Gaza. Each ceasefire agreement has consistently failed to address the root causes of the conflict, namely the prolonged occupation of the Occupied Palestinian Territory, the blockade with its negative impact on enjoyment of economic, social and cultural rights, and the lack of accountability for violations of international human rights law and international humanitarian law. The agreements have served merely to paper over the cracks of the conflict, which has continued to simmer before re-erupting in yet more violence and yet more violations of international law.

Enforcement of the access-restricted areas

18. Between 25 May 2013 and 6 July 2014, a total of seven people were shot and killed and 131 were injured in the access-restricted areas on the Gaza side of the fence erected by Israel around the Gaza Strip.²⁰ In some incidents, shooting occurred in circumstances that, according to information available to OHCHR, posed no threat to the soldiers. For example, on 24 January 2014, the Israel Defence Forces shot and killed a 19-year-old Palestinian while he was taking photographs a few hundred metres away from the fence in Beit Lahia, northern Gaza.

19. Similar violations occurred at sea, where Israeli naval forces continue to restrict the access of Palestinian fishermen to fishing waters. Between 25 May 2013 and 6 July 2014, one fisherman was killed and 13 others were injured. Israeli naval forces arrested approximately 46 fishermen, confiscated 20 boats and damaged six boats during the reporting period.²¹

20. Despite an expansion of the fishing limit off the Gaza shore from three to six nautical miles, reportedly under the terms of the ceasefire agreement,²² as of 24 October 2014, at least one fisherman had been injured, 13 arrested, four boats confiscated and one boat destroyed.²³ Israel resumed its enforcement of the access-restricted areas in the same manner as before the 2014 escalation, by using lethal force. Several incidents of shooting at Palestinians close to the fence were reported between 26 August 2014 and 25 October 2014, with seven civilians injured in the access-restricted areas.²⁴

¹⁸ www.unrwa.org/newsroom/press-releases/unrwa-strongly-condemns-placement-rockets-school.

¹⁹ A/HRC/12/48, paras. 499–1344; A/HRC/22/35/Add.1, paras. 11–31; A/HRC/28/80/Add.1, paras. 32–65.

²⁰ Source: OHCHR.

²¹ Source: OHCHR.

²² www.reuters.com/article/2014/08/26/us-mideast-gaza-ceasefire-details-idUSKBN0GQ1XQ20140826.

²³ Source: OHCHR.

²⁴ Source: OHCHR.

Excessive use of force by Israeli security forces in the West Bank, including East Jerusalem

21. Palestinian fatalities in incidents involving the Israeli security forces in the West Bank, including East Jerusalem, soared during the reporting period. There were 67 Palestinian fatalities, compared to 22 in the same period in 2012/13.²⁵ During 2014, as at 31 October, there had been 48 fatalities.²⁶

22. The Secretary-General and the High Commissioner have frequently raised concerns about the excessive use of force by Israeli authorities, particularly as casualties have spiked.²⁷ Concerns that the rules of engagement are either not compliant with international human rights law, or are not being respected or enforced, are heightened by the dramatic increase in injuries from live ammunition. During the reporting period, 1,276 Palestinians were injured by live ammunition out of 5,799 injured in total, compared with 175 out of a total of 4,884 in the equivalent period for 2012/13.²⁸

23. Those incidents are both a cause and consequence of the conflict and of further human rights violations. They fuel violence and foster distrust and hostility between the Israeli security forces and the Palestinian population they are in the Occupied Territory to protect. In many cases monitored by OHCHR, the funeral of someone killed in that manner was followed by clashes between Palestinians and the Israeli security forces in which more people were injured and some sometimes killed, in a seemingly endless cycle of violence and tension. Examples include a series of incidents documented by OHCHR involving injuries from live ammunition, the victims of which were Palestinians from al-Jalazun refugee camp in the West Bank in September and October 2013,²⁹ and the case of a 13-year-old boy who was allegedly beaten by the Israeli security forces on 8 September 2014 after attending the funeral of Mohammad Sonnokrot in East Jerusalem.³⁰

Attacks by Palestinian armed groups and individuals on Israelis

24. Violent attacks by Palestinians on Israelis also continue to occur throughout the West Bank, including East Jerusalem. During 2013, the Internal Security Agency of Israel recorded 5 fatalities, including 3 soldiers, and 44 injured persons, including 29 security personnel, in attacks on Israelis in the West Bank, including East Jerusalem.³¹ Violence against Israelis has also been notable with the abduction and murder of three Israeli teenagers in June 2014,³² but also the shooting of a 46-year-old man near Idhna, in the southern West Bank³³ and an alleged car attack on a light rail station in Jerusalem on 22 October 2014 which resulted in the death of one Israeli infant and an Ecuadorian woman.³⁴

²⁵ Source: Office for the Coordination of Humanitarian Affairs (OCHA)/OHCHR.

²⁶ Sources: OHCHR/OCHA. Fatality figures do not include one Palestinian killed in Mea Shearim in Jerusalem on 4 August 2014 and one Palestinian child killed by unexploded ordnance in Tubas on 11 August 2014; A/HRC/28/80/Add.1.

²⁷ A/69/347, paras. 44–51; A/HRC/25/40, paras. 6–14.

²⁸ Source: OCHA.

²⁹ A/HRC/25/40, para. 8.

³⁰ Mr. Sonnokrot died as a result of injuries sustained in an incident involving the Israeli security forces in Wadi Joz, East Jerusalem, on 31 August 2014. OHCHR has expressed concerns about the legality of the use of force in that incident.

³¹ www.shabak.gov.il/English/EnTerrorData/Reports/Pages/2013AnnualSummary.aspx.

³² A/HRC/28/80/Add.1, paras. 6–22.

³³ www.btsalem.org/israeli_civilians/20140415_israeli_civilian_killed_by_palestinian_gunfire_near_idna.

³⁴ Source: OHCHR.

25. The abduction and murder of the three Israeli youths had a very damaging impact and contributed to the serious deterioration in the human rights situation across the Occupied Palestinian Territory. Attacks such as those drive the conflict and foment division, making Israelis feel unsafe and prompting further attacks by settlers and others. They fuel a political discourse in Israel that demands harsh measures against the Palestinian population, as was evident during the summer of 2014.³⁵ Whilst Israel must act to maintain law and order, such actions must be grounded in respect for human rights. As the Security Council has underlined, failing to comply with human rights and other international legal obligations contributes to "increased radicalization and fosters a sense of impunity".³⁶

Impunity and the failure to ensure accountability

26. At the General Assembly on 6 August 2014, the former High Commissioner for Human Rights stated that it was "a terrible failure for humanity not to act to avert yet another devastating crisis in Gaza" and highlighted how the "need for investigation and accountability" raised in the aftermath of the 2008/09 and 2012 escalations had "not been met".³⁷ The Secretary-General and the United Nations Special Coordinator for the Middle East Peace Process have also stressed the importance of accountability on all sides.³⁸ Yet the failures of the past do not bode well for the future, with impunity prevailing despite the fact that numerous violations of international humanitarian law and international human rights law have been documented.

27. The Goldstone Report highlighted the defects in the investigative mechanisms in respect of both Israel and the Palestinian authorities in Gaza.³⁹ Many of those concerns were echoed by the committee of independent experts appointed to monitor investigations on both the Israeli and Palestinian sides into the 2008/09 escalation, which found that accountability measures on both sides were severely lacking.⁴⁰ Thereafter, according to the Israeli NGO B'tselem, at least 52 military police investigations were opened, with only three investigations ending with indictments, resulting in the conviction of four soldiers.⁴¹ Of the sentences handed down, the longest was 15 months of imprisonment for credit card fraud.

28. Following the November 2012 escalation, OHCHR called on all duty bearers to ensure accountability for violations of international law.⁴² In April 2013, the Israeli Military Advocate General stated that it found no basis for opening military police investigations into approximately 65 incidents it had examined and that the cases would be closed. As of 31 October 2014, decisions were still pending in approximately 15 outstanding incidents. Two fact-finding committees were formed to investigate specific incidents, according to the latest available information, but as at 31 October 2014, no criminal investigations had yet been opened.⁴³ Additionally, OHCHR is aware of only one investigation into an incident

³⁵ A/HRC/28/80/Add.1.

³⁶ S/RES/2178 (2014), preamble.

³⁷ www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14921&LangID=E#sthash.2CDohR7N.dpuf.

³⁸ S/PV.7266.

³⁹ A/HRC/12/48, paras. 1957–1966.

⁴⁰ A/HRC/15/50; A/HRC/16/24.

⁴¹ www.btselem.org/accountability/20140905_failure_to_investigate; also The Public Commission to Examine the Maritime Incident of 31 May 2010 (Torkel Commission), Second Report, p. 345.

⁴² A/HRC/22/35, paras. 66–75.

⁴³ www.law.idf.il/SIP_STORAGE/files/1/1381.pdf; www.pchrgaza.org/portal/en/index.php?option=com_content&view=article&id=10103:concerning-qpillar-of-defense-victims-for-the-first-time-israeli-committee-headed-by-general-doron-almog-initiates-investigation-in-a-case-followed-up-by-

involving the use of force by Israeli security forces in the access-restricted areas in Gaza: an investigation opened in March 2014, almost four years after the incident, into the killing of a fisherman in 2010.

29. During the latest Israeli military operation in Gaza, the Israel Defence Forces Chief of Staff ordered the establishment of a general staff mechanism for fact-finding assessments to examine "exceptional incidents" that had occurred during "Operation Protective Edge".⁴⁴ The mechanism was established in response to and as part of the implementation of the recommendations of the Turkel Commission.⁴⁵ It is hoped that it will lead to meaningful accountability.

30. On the Palestinian side, the lack of accountability is also stark. OHCHR is not aware of any steps taken by the relevant Palestinian authorities to bring perpetrators to justice in response to the Goldstone Report. Nor is OHCHR aware that any measures have been taken by the authorities in Gaza to ensure accountability for violations in relation to the November 2012 escalation, including the direct targeting of civilians and indiscriminate firing of rockets.⁴⁶

31. Those failures are not confined to the situation in Gaza. Both the Secretary-General and the High Commissioner have repeatedly highlighted the failure to ensure accountability and an adequate remedy for victims across the Occupied Palestinian Territory, including victims of killings and injuries involving Israeli security forces in the West Bank, including East Jerusalem.⁴⁷ Under international human rights law, all incidents of killings and serious injury must be promptly, thoroughly, effectively, independently, impartially and transparently investigated.⁴⁸ However, as outlined in previous reports of the Secretary-General and highlighted by the Human Rights Committee, Israel has not met its obligations in that regard.⁴⁹

32. The ongoing impunity that prevails is in clear violation of the obligations of the duty bearers, and the repercussions are felt as each side commits the same or similar violations again and again, safe in the knowledge that they will not be brought to justice.

33. The fact that the Israeli authorities and the Israeli security forces, as well as relevant Palestinian authorities and Palestinian armed groups, are never held to account for violations undermines the protective force of international law. The resulting enmity and lack of trust drives violence. As the former High Commissioner has highlighted, "adherence to international humanitarian law and international human rights law, and ensuring accountability for violations, are essential prerequisites for any lasting peace".⁵⁰

pchr&catid=36:pchrpressreleases&Itemid=194.

⁴⁴ www.mag.idf.il/261-6858-en/Patzar.aspx.

⁴⁵ The Turkel Commission, established to investigate the May 2010 Gaza flotilla raid, was mandated to review Israeli mechanisms for investigating alleged violations of the laws of armed conflict, and made recommendations to strengthen those mechanisms.

⁴⁶ A/HRC/25/40, paras. 58–60.

⁴⁷ A/69/347, paras. 52–69; A/HRC/25/40, paras. 50–56.

⁴⁸ Human Rights Committee, general comment No. 31 (2004) on the nature of the general obligation imposed on States parties to the Covenant, para. 15.

⁴⁹ A/69/347, paras. 52–69; CCPR/C/ISR/CO/4, para. 13.

⁵⁰ Statement by Navi Pillay at the Informal Plenary Meeting of the General Assembly on the situation in Gaza, 6 August 2014. Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14921&LangID=E.

C. Cycles of humanitarian crisis, deprivation and despair

Humanitarian impact of hostilities and the blockade

34. The blockade that Israel has imposed on Gaza, as consistently documented by the Secretary-General and the High Commissioner,⁵¹ contravenes international law and has further impoverished the population. Its continued imposition runs counter to the measures that are essential to ensure that Palestinians can enjoy human rights, including economic, social and cultural rights that can provide a bedrock for resolution of the conflict.⁵² In that connection, the United Nations Special Coordinator for the Middle East Peace Process highlighted in August 2014 the importance of not leaving Gaza "in the condition it was in before this latest escalation" and how "the restrictions on the [Gaza] Strip on the exit and entry of goods and people will continue to fuel instability, underdevelopment and conflict".⁵³

35. Some efforts have been made in that regard. On 14 October 2014, within the framework of the Gaza Reconstruction Mechanism, the first shipment of materials for private construction reportedly entered Gaza.⁵⁴ There has also been some easing of movement restrictions since the 26 August 2014 ceasefire, including allowing increased numbers of family members to visit Gaza detainees and the granting of permission for the Palestinian Government of National Consensus to move between the West Bank and Gaza.⁵⁵ However, those measures are insufficient to address the level of destruction caused during the escalation, particularly to the housing sector. Furthermore, they are no replacement for the lifting of the blockade, which is now more urgently needed than ever. The decision of Egypt to close the Rafah crossing on 24 October 2014, following a reported suicide attack on Egyptian troops in Sinai, has exacerbated the situation, and the movement of goods from and into Gaza remains severely restricted. Gaza imports for the whole of the year 2014 are still on average at 30.6 per cent of the level they were at prior to the blockade.⁵⁶

36. During the recent hostilities, some 13,529 houses were destroyed and 8,392 were severely damaged,⁵⁷ exacerbating an existing housing shortage generated by previous escalations.⁵⁸ Approximately 4,000 truckloads of cement aggregates and iron bars are required per day to meet the construction demands.⁵⁹ Construction materials are necessary, not just for the economic recovery and development of the Gaza Strip, but also for the

⁵¹ A/69/347, paras. 30–34; A/HRC/25/40, paras. 24–30.

⁵² The Security Council has highlighted the need to address the root causes of conflict, including through poverty eradication. See Security Council resolution 2171 (2014), preamble.

⁵³ S/PV.7243.

⁵⁴ Under the Gaza Reconstruction Mechanism, the Government of Palestine is to take the lead in the Gaza reconstruction process while addressing the security concerns of Israel. See the Protection of Civilians Weekly Report 14–20 October 2014 of the Office for the Coordination of Humanitarian Affairs. Available from www.ochaopt.org/documents/ocha_opt_protection_of_civilians_weekly_report_2014_10_24_english.pdf.

⁵⁵ <http://gisha.org/updates/3498> and <http://gisha.org/updates/3614>.

⁵⁶ www.ochaopt.org/documents/ocha_opt_protection_of_civilians_weekly_report_2014_10_31_english.pdf.

⁵⁷ www.shelterpalestine.org/Upload/Doc/8dd75495-b24d-4aeb-80c2-1f4cae79e6ee.pdf.

⁵⁸ www.shelterpalestine.org/Upload/Doc/f504f516-502c-4000-9372-bc72aca186f0.pdf.

⁵⁹ Office for the Coordination of Humanitarian Affairs, Protection of Civilians Weekly Report 14–20 October 2014. Available from www.ochaopt.org/documents/ocha_opt_protection_of_civilians_weekly_report_2014_10_24_english.pdf.

employment of thousands of construction workers who have lost their livelihoods. It is worth noting that nearly half of the US\$ 5.4 billion pledged at a donors' meeting in Cairo on 12 October 2014 were for reconstruction in Gaza.⁶⁰

37. As at 20 October 2014, an estimated 42,500 internally displaced persons continued to take refuge in 18 UNRWA schools, with 47,000 more being hosted by their relatives.⁶¹ Internally displaced persons are in need of shelter, food, water and sanitation, and also psychosocial support and protection.

38. Humanitarian conditions in Gaza continue to be compounded by the limited availability and accessibility of utilities, including potable water and electricity. Before the 2014 escalation, some 90 per cent of Gaza's water from its coastal aquifer was considered undrinkable without treatment.⁶² Most areas experienced power cuts of 12 hours a day; they have increased to 18 hours daily after the conflict and the attack by Israel on the Gaza power station.⁶³ Economic recovery remains stagnant, resulting in high unemployment, food insecurity and reliance on food aid, with 830,000 people receiving food aid from UNRWA. That has consequences for the health of the Gazan population — even prior to the recent escalation, 35.8 per cent of pregnant women and 33.7 per cent of infants were suffering from anaemia.⁶⁴

39. At least 1,000 persons injured in the 2014 war will suffer permanent disability.⁶⁵ In addition to their particular health and psychological needs, those people remain in need of specific equipment that is unavailable in Gaza owing to the continued blockade. Children constitute 30 per cent of those suffering from a disability as a result of injuries sustained during the war.⁶⁶ Over 1,500 children have reportedly become orphaned,⁶⁷ with thousands of others traumatized by the latest violence.

40. The health system is in disarray. According to the World Health Organization (WHO), some 17 hospitals and 56 public health centres were either destroyed or sustained damage during the hostilities. Damage inflicted on health institutions, the prevailing shortage in essential drugs (estimated at 40 per cent) and the lack of spare parts for certain medical equipment have reduced the availability and accessibility of health services. For example, outpatient services decreased by 14.75 per cent, Intensive care unit capacity decreased by 21.42 per cent and the availability of basic laboratories was reduced by 12.74 per cent.⁶⁸

41. Violence during the conflict has forced thousands of women to neglect their own needs to save and support their families,⁶⁹ with large numbers of them suffering from post-

⁶⁰ www.timesofisrael.com/donor-conference-pledges-5-4-billion-for-gaza/.

⁶¹ See note 70 above.

⁶² Office of the United Nations Special Coordinator for the Middle East Peace Process, *Gaza in 2020: A liveable place?* (August 2012). Available from www.unrwa.org/userfiles/file/publications/gaza/Gaza%20in%202020.pdf.

⁶³ www.ochaopt.org/documents/ocha_opt_sitrep_30_07_2014.pdfhttp://www.ochaopt.org/documents/ocha_opt_sitrep_30_07_2014.pdfhttp://www.ochaopt.org/documents/ocha_opt_sitrep_30_07_2014.pdf

⁶⁴ www.ochaopt.org/documents/gaza_crisis_appeal_9_september.pdf.

⁶⁵ *Ibid.*

⁶⁶ *Ibid.*

⁶⁷ *Ibid.*, p. 6.

⁶⁸ Health Cluster in the occupied Palestinian territory, *Gaza Strip: Joint Health Sector Assessment Report* (September 2014). Available from http://reliefweb.int/sites/reliefweb.int/files/resources/Joint_Health_Sector_Assessment_Report_Gaza_Sept_2014.pdf.

⁶⁹ Al-Jazeera, "Gaza women bear psychological scars of war", 28 July 2014. Available from www.aljazeera.com/news/middleeast/2014/07/gaza-women-psychological-scars-war-201472362937327646.html.

traumatic stress disorder, anxiety, depression and, in many cases, permanent disabilities. Mental health issues extend to the wider population. Overall, according to WHO, 20 per cent of the Gazan population, some 360,000 people, are suffering from mental health challenges following the hostilities.⁷⁰

42. The Palestinian people in Gaza were already suffering the severe human cost of past hostilities and the blockade when the situation was further compounded by the recent escalation in July and August 2014. The tragic deaths by drowning of hundreds of migrants from Gaza as they attempted to make perilous journeys across the Mediterranean in overcrowded boats in September 2014 is evidence of just how desperate many people there have become.⁷¹ The desperate situation in Gaza is a stark illustration of the often-referenced summary of the aims of the United Nations: that there can be no peace and security without development, no development without peace and security, and neither without respect for human rights.⁷²

D. Settlements

History and recent developments

43. As the Secretary-General has repeatedly stated, settlement activity in the West Bank, including East Jerusalem, is "illegal under international law and runs totally counter to the pursuit of a two-State solution".⁷³ Israel is prohibited under article 49 of the Fourth Geneva Convention from transferring parts of its own civilian population into the territory that it occupies. The settlements in the West Bank, including East Jerusalem, stand in stark contravention of that obligation.⁷⁴ The Secretary-General has consistently urged Israel to reverse its settlement activities.⁷⁵ However, the number of settlements and settlers in the West Bank, including East Jerusalem, has continued to grow, from 10,608 settlers in 1972⁷⁶ to between 500,000 and 650,000 today.⁷⁷ The finding of a commission mandated by the Security Council to examine the situation relating to settlements in 1979 that the settlement policy of Israel was causing "profound and irreversible changes of a geographical and demographic nature in those territories, including Jerusalem" remains pertinent today.⁷⁸

44. As attempts to ensure a lasting peace have again faltered, the settlements stand as arguably the biggest obstacle to peace and the two-State solution. Settlement activity must be ended if the two-State solution is to have any chance. It is therefore particularly concerning, in the months following the 26 August ceasefire agreement, that the Israeli

⁷⁰ www.who.int/features/2014/gazans-mental-health-services/en/.

⁷¹ <http://euromid.org/en/article/612>.

⁷² A/59/2005, para. 17.

⁷³ See

www.unsco.org/Documents/Statements/SG/2014/SG%20statement%201%20September%202014.pdf and www.unsco.org/Documents/Statements/MSCB/2008/Security%20Council%20Briefing%20-%20201%20October%202014.pdf.

⁷⁴ Advisory Opinion of the International Court of Justice on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (A/ES-10/273 and Corr.1), para. 120; CCPR/C/ISR/CO/4, para. 17.

⁷⁵ www.un.org/sg/statements/index.asp?nid=8120.

⁷⁶ www.fmep.org/settlement_info/settlement-info-and-tables/stats-data/comprehensive-settlement-population-1972-2006.

⁷⁷ A/HRC/28/44, sect. III.

⁷⁸ S/13450, para. 233.

authorities have pressed ahead with a number of plans that either pave the way for the expansion of settlements or enlarge existing settlements.⁷⁹

The settlements as drivers of conflict and human rights violations

45. The settlements are at the centre of many of the ongoing human rights violations in the West Bank, including East Jerusalem.⁸⁰ The mere presence of settlements, and the associated restrictions that are imposed on Palestinians, fragment the Palestinian landscape, undermining the core right of the Palestinian people to self-determination, a right which is at the heart of the two-State solution. Every expansion, such as the declaration of State land near the Israeli settlement of Gush Etzion in August 2014⁸¹ and the approval of new housing units in the Ramat Sholomo and Har Homa settlements in East Jerusalem in October 2014,⁸² compounds that process.⁸³ Plans to transfer thousands of Bedouin and herders from the Jordan Valley may also be connected with settlement expansion. The Bedouin and herders are at risk of forcible transfer, a grave breach of the Fourth Geneva Convention, as well as multiple human rights violations.⁸⁴

46. The impact of the settlements on the enjoyment of Palestinians' economic, social and cultural rights has been well documented. The settlements have had a markedly detrimental effect on Palestinians' rights to water, food, an adequate standard of living and education.⁸⁵ Moreover, the mere presence of the settlements has an impact on the rights of Palestinians and they are sources of tension and conflict across the West Bank, including East Jerusalem. That has a corresponding impact on Palestinians' enjoyment of civil and political rights, including the rights to life and to freedom of expression, of peaceful assembly and of movement.⁸⁶ A number of the main flashpoints for demonstrations and clashes, which often result in killings and injury of Palestinians, centre on the settlements or are in reaction to settler violence, particularly in places such as Silwan in East Jerusalem, and An Nabi Saleh and Silwad in the central West Bank. Additionally, around some settlements, such as Bracha and Yitzhar near to Nablus, settler attacks on Palestinians and Palestinian property are common.⁸⁷

47. The Israeli authorities' pursuit of settlement expansion only fuels violations of international law, which in turn fan the flames of violence and conflict. It is of concern that the endeavour is backed at the highest levels. Successive Israeli governments have ignored calls to reverse settlement activities. In the wake of an announcement of settlement expansion in East Jerusalem, the current Prime Minister proclaimed that "we have built in Jerusalem, we are building in Jerusalem and we will continue to build in Jerusalem", even as that very exercise fuels tension and conflict in the city and across the Occupied Palestinian Territory.⁸⁸

⁷⁹ A/HRC/28/44.

⁸⁰ A/69/348, para. 11; A/68/513, paras. 12–14.

⁸¹ A/HRC/28/44, sect. III; A/68/348, para. 19.

⁸² A/HRC/28/44, sect. III.

⁸³ A/HRC/22/63, paras. 32–28; A/67/375, paras. 10–11.

⁸⁴ A/69/348, paras. 12–16.

⁸⁵ A/HRC/28/44; A/HRC/22/63, paras. 80–95; A/HRC/25/38, paras. 21–36.

⁸⁶ A/HRC/22/63, paras. 72–79.

⁸⁷ A/HRC/28/44.

⁸⁸ www.pmo.gov.il/English/MediaCenter/Speeches/Pages/speechHarbor281014.aspx.

E. Arbitrary and collective measures in the West Bank, including East Jerusalem

48. During the reporting period, Israel extended some measures already used in the West Bank, including East Jerusalem. The authorities significantly increased their use of administrative detention, continued carrying out home demolitions in the context of a discriminatory planning policy, resumed a policy of punitive demolitions and imposed restrictions on Palestinians' freedom of movement and access to religious sites. While the Israeli authorities had a duty to seek to bring the perpetrators of the June 2014 murders of the three teenagers to justice, the use of measures that violate international human rights law and international humanitarian law has contributed to stoking up resentment amongst the Palestinian population.

Administrative and mass arrest and detention

49. The reporting period witnessed a significant increase in the number of Palestinians subjected to administrative detention without charge. According to statistics collected by the Israeli NGO B'tselem from the Israeli Prison Service, 196 Palestinians were being held in administrative detention at the end of May 2014. The figure peaked at 473 in August, according to B'tselem the highest number since April 2009, before falling back to 468 by 30 September.⁸⁹ The increased use of the practice by Israel, despite consistent denunciations by the Secretary-General, the Human Rights Committee, the High Commissioner for Human Rights and others, is of concern.⁹⁰

50. The increase in administrative detention came in the context of alleged mass arbitrary arrests and detentions, particularly in the Hebron area and in East Jerusalem, as well as other parts of the West Bank. Those mass measures, combined with other collective measures, helped contribute to a pressure cooker environment in the West Bank, including East Jerusalem.⁹¹

Demolitions, including punitive and mass demolitions

51. In the summer of 2014, the resumption of punitive demolitions of the homes of the suspects in the abduction and murder of the three Israeli teenagers and one other, was another retrograde step. Israel formally ended its policy of punitive demolitions in 2005, although one isolated instance was noted in 2009.⁹² Those measures, supposedly intended as a deterrent, but entailing multiple violations of international law, only serve to alienate the population, particularly owing to their collective nature and the impact on people innocent of any alleged crime.⁹³ In 2005, an Israeli commission recommended an end to punitive demolitions, reportedly assessing that punitive demolitions were not an effective deterrent and caused damage to Israel by generating hatred and hostility.⁹⁴

⁸⁹ www.btselem.org/administrative_detention/20141007_spike_in_number_of_administrative_detainees; www.btselem.org/statistics/detainees_and_prisoners.

⁹⁰ CCPR/C/ISR/CO/4; www.un.org/sg/statements/index.asp?nid=7751; www.un.org/apps/news/story.asp?NewsID=48092; www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=14770&LangID=E#sthash.IU1rEHYi.dpuf.

⁹¹ A/HRC/28/80/Add.1, paras. 6–22.

⁹² A/HRC/28/80/Add.1, para. 18; www.hamoked.org/timeline.aspx?pageID=timelinehousedemolitions; www.haaretz.com/print-edition/news/idf-panel-recommends-ending-punitive-house-demolitions-for-terrorists-families-1.150620.

⁹³ A/HRC/28/80/Add.1, paras. 6–22.

⁹⁴ www.haaretz.com/print-edition/news/idf-panel-recommends-ending-punitive-house-demolitions-for-terrorists-families-1.150620.

52. The demolition of Palestinian homes built without Israeli permits continued apace during the reporting period: 871 structures were demolished (310 residential and 561 livelihood structures), resulting in the displacement of 1,300 people. Figures for the past years show that the number of demolitions in the West Bank, including East Jerusalem, has remained above 600 annually since 2011, with more than 1,000 people displaced each year since then except for 2012, when 886 people were displaced.

53. Those demolitions take place in the context of discriminatory Israeli planning policy and in many cases are linked to settlement expansion.⁹⁵ The threat to the Bedouin population in the Jordan Valley and the Jerusalem periphery, where they have been subjected to multiple mass demolitions and forcible transfer, as well as in the EI zone, where they face the same fate on an even larger scale, is of grave concern.⁹⁶

Freedoms of movement and religion

54. Palestinians continued to face restrictions on their freedom of movement, including because of the existence and continued construction of the wall. The wall has been extended considerably and continues to have a severely detrimental impact on the lives of Palestinians in the West Bank, including East Jerusalem, restricting the ability of many to access their land and crucial services, such as schools and health clinics. Generally, together with the restrictions on movement within the West Bank, it severely affects Palestinians' freedom of movement.⁹⁷ Like the settlements, the wall is a focus of resentment and regular demonstrations are held against it in places like Nil'in and Bil'in.

55. The issue of access to religious sites and freedom of religion came to the fore during Ramadan, when thousands of Palestinians from the West Bank were denied access to Jerusalem to pray at the al-Aqsa mosque. For example, on 25 July 2014, 7,791 Palestinians were able to enter Jerusalem through checkpoints, approximately 8 per cent of the figure for the equivalent night in 2013.

Situation in East Jerusalem

56. During the reporting period, the situation in East Jerusalem deteriorated significantly. Following the abduction of three Israeli teenagers in June 2014, the Israeli authorities focused some operations on East Jerusalem, and many of the collective measures set out above had a particular impact on Palestinians in East Jerusalem.⁹⁸ In the context of the Gaza war and anger over the abduction and killing of Mohammad Abu Khdeir, widespread demonstrations and clashes took place in which hundreds of people were injured.⁹⁹

57. While anger over Gaza and the killing of Mr. Abu Khdeir dissipated towards the end of the summer, the situation in Jerusalem remained volatile, and by the end of the reporting period, tension and violence revived as extreme right Israeli religious and nationalist groups agitated and tried to gain access to the compound housing the al-Aqsa mosque. Israeli security forces sometimes escorted them in, but sometimes prevented them from entering. Reportedly, some 8,500 Jews gained access to the compound in 2013, compared with 5,800 in 2010.¹⁰⁰ Concerns that the status quo, in which Muslims are allowed to pray at the al-

terrorists-families-1.150620.

⁹⁵ A/HRC/25/38, paras. 9–20; A/HRC/22/63, paras. 62–71; A/67/375, para. 8; A/66/364, para. 11.

⁹⁶ A/69/347, paras. 23–26.

⁹⁷ A/69/347, paras. 7–27; www.ochaopt.org/documents/ocha_opt_10_years_barrier_report_english.pdf.

⁹⁸ A/HRC/28/80/Add.1.

⁹⁹ Ibid.

¹⁰⁰ www.nytimes.com/2014/10/31/world/middleeast/yehuda-glick-shooting-suspect-killed-

Aqsa mosque within the compound and Jews at the Western Wall outside, would be changed touch on some of the most sensitive religious and political issues surrounding the conflict.

58. On 29 October 2014, a rabbi involved with organizations aiming to build a Jewish temple in the compound was shot and seriously injured in West Jerusalem, shortly after the 22 October light rail incident (see para. 24 above). The alleged perpetrator was killed the same night by the Israeli security forces. In an apparent response to the increased tension and clashes, the Israeli authorities reportedly launched a campaign of enforcement of municipal laws that had previously been largely unenforced, specifically in East Jerusalem.¹⁰¹ East Jerusalem was only made subject to those laws as a result of its illegal annexation by Israel. The enforcement campaign was criticized for being selective and discriminatory.¹⁰² An increase in demolitions of houses without building permits at the end of the reporting period only prompted further demonstrations and clashes amid heightened tension in the city.¹⁰³

F. Palestinian disunity as a driver of conflict and human rights violations

59. The seven-year political split between Hamas and Fatah, which began with serious intra-Palestinian violence in 2007, has contributed to serious human rights violations and abuses and the lack of accountability in the Occupied Palestinian Territory. Palestinian division is not only a key driver of intra-Palestinian conflict and human rights violations and abuses; it also makes peace harder to achieve.¹⁰⁴

Summary executions and the death penalty

60. During the 2014 escalation in Gaza, members of Palestinian armed groups allegedly summarily executed at least 21 "collaborators", including 16 prisoners taken from Katiba Prison by masked men and five others executed at different locations.¹⁰⁵ As far as OHCHR is aware, no investigations into those incidents had been initiated by the end of the reporting period. The de facto authorities in Gaza also imposed the death penalty on numerous occasions, at least in some cases after unfair trials.¹⁰⁶ During all three escalations in the past six years, Palestinian armed groups carried out a number of summary executions of suspected collaborators. In the West Bank, there are concerns regarding the use of force by Palestinian security forces, including during the reporting period, and the lack of accountability in such cases.¹⁰⁷

Arbitrary detention, torture and ill-treatment of political opponents

61. OHCHR has for some time documented the arbitrary detention, torture and ill-treatment of political opponents by Palestinian security forces in the West Bank and in

jerusalem.html.

¹⁰¹ www.haaretz.com/news/national/ premium-1.623297; www.timesofisrael.com/mayor-tells-police-to-up-home-demolitions-in-e-jerusalem-amid-riots/.

¹⁰² www.btselem.org/jerusalem/20141105_draconian_steps_in_jerusalem.

¹⁰³ www.ochaopt.org/documents/ocha_opt_protection_of_civilians_weekly_report_2014_11_07_english.pdf.

¹⁰⁴ Security Council resolutions 1850 (2008) and 1860 (2009); www.un.org/sg/statements/?nid=5240.

¹⁰⁵ Source: OHCHR.

¹⁰⁶ A/HRC/25/40, paras. 69–71.

¹⁰⁷ A/HRC/25/40, paras. 15–17 and 57.

Gaza.¹⁰⁸ That has been one of the key features of the schism between Fatah and Hamas. At times of political confrontation, detention of opposition activists is common on both sides.

62. In the West Bank, both before and during the reporting period,¹⁰⁹ OHCHR documented a number of cases of violations, particularly against perceived political opponents and activists, including the use of vague and overly broad laws as a basis for detention,¹¹⁰ non-compliance with court orders for release, the use of the executive powers of the Governor to detain on an administrative basis, and non-compliance with time limits for court appearances prescribed by law.¹¹¹

63. OHCHR has similarly documented cases in Gaza in which detainees, particularly political detainees, suspected collaborators, journalists and people alleged to have committed moral crimes or misconduct, have been subjected to torture and ill-treatment.¹¹² The overwhelming majority of those cases have not been investigated and the perpetrators have not been held accountable.

Freedom of assembly and of expression

64. Palestinian security forces in both the West Bank and Gaza have used arrest and detention as a way of stifling the rights to freedom of assembly and of expression. That only serves to breed mistrust amongst political groups, not only Fatah and Hamas but also other smaller groups, many of which are already disenchanted by the lack of a functioning Palestinian legislature and their difficulty having their political voice heard.

65. In one case documented by OHCHR in the West Bank, on 29 March 2014, four Palestinian security agencies arrested more than 130 people from the Jamal Abdelnaser mosque in al-Bireh, near Ramallah. Most of those arrested were Hizb-at-Tahrir party members gathering to hear a speech by a party leader. Other crackdowns on Hizb-at-Tahrir have been documented by OHCHR.¹¹³

66. In Gaza, the authorities have restricted freedom of expression during the reporting period, including by prohibiting the daily publication of newspapers, including *Al-Ayyam*, *Al-Hayat Al-Jadida* and *Al-Quds*, and closing media outlets, including Al-Arabiya, Ma'an News Agency and Reuters.¹¹⁴ An August 2007 directive banning any peaceful assembly without prior authorization from the Ministry of the Interior remains in force.¹¹⁵ OHCHR documented several incidents involving forcible dispersion of peaceful assemblies for which the organizers had failed to obtain prior authorization.¹¹⁶

G. Conclusion

67. The human rights situation in the Occupied Palestinian Territory remains of grave concern. The murders of the Israeli teenagers and the Palestinian boy in June

¹⁰⁸ A/HRC/24/30, paras. 49–52; A/HRC/25/40, paras. 44–46.

¹⁰⁹ A/HRC/24/30, paras. 49–52; A/HRC/25/40, paras. 44–46.

¹¹⁰ Such as article 150 of the Jordanian Penal Code, which includes the offence of “inciting sectarian strife”.

¹¹¹ A/HRC/28/80, sect. III.

¹¹² Ibid.; A/HRC/25/40, paras. 47–49.

¹¹³ www.maannnews.net/eng/ViewDetails.aspx?ID=672063.

¹¹⁴ A/HRC/25/40, paras. 63–67.

¹¹⁵ www.pchrgaza.org/portal/en/index.php?option=com_content&view=article&id=721:pchr-calls-upon-the-executive-force-to-cancel-the-decision-to-ban-demonstrations-without-official-permission-from-the-force&catid=133:press-releases-from-other-years-05-08&Itemid=300.

¹¹⁶ A/HRC/25/40, paras. 63–67.

and July 2014, and the subsequent security operations in the West Bank, followed by rocket fire and the escalation in Gaza, inflamed tensions and entrenched the divisions and suspicion that have characterized the situation for decades. Accordingly, the “criticality of immediately diffusing the escalating tensions in East Jerusalem without delay” was underscored to the Security Council in its session on the situation in East Jerusalem on 29 October 2014.¹¹⁷ The same must be said of the situation in Gaza and the rest of the West Bank, which remains fragile and volatile. For the diffusion of tension to be lasting in any kind of meaningful way, all sides need to address the human rights dimensions of the conflict.

68. Yet another year of bloodshed and recurrent violations and abuses underlines that there needs to be a break from the past: an end to the violations of international law that foment tension and drive violence; and the prevention of future violations, including through accountability and a reckoning with the past. As the present report and the numerous previous United Nations reports on the Occupied Palestinian Territory make clear, there are several key areas on which that change could focus.

69. The settlements in the West Bank, including East Jerusalem, violate international law and run counter to the two-State solution. They are at the centre of many other human rights violations in the occupied West Bank, including East Jerusalem, and a source of constant friction, demonstrations, incidents involving the excessive use of force by Israeli security forces, settler violence and widespread discriminatory policies affecting Palestinians’ enjoyment of their human rights. On the Palestinian side, attacks on Israelis only heighten tension and provide material for a justification of hard-line measures that reinforce the cycle of violence.

70. The settlements also undermine Palestinian territorial integrity, contrary to international law, and Palestinians’ right to self-determination.¹¹⁸ So does the ongoing blockade, which is a continuing collective penalty against the population in Gaza; it weakens links between Gaza and the West Bank, and must be ended. Intra-Palestinian fighting and disunity, which lead to violations and abuses by the Palestinian Authority and armed groups against political opponents, exacerbate that fragmentation.

71. Impunity for violations and abuses by all sides reinforces those problems. After three escalations of violence in six years in Gaza, and recurring violations and violence in the West Bank, including East Jerusalem, a line needs to be drawn and accountability ensured. The failure to ensure accountability runs counter to the legal obligations of the duty bearers and completely undercuts the credibility of each side in the eyes of the other, driving resentment and creating an environment in which perpetrators on all sides are able to get away with violations, fuelling further abuses.

72. As the Secretary-General has said, “the cycle of build-and-destroy must end”.¹¹⁹ That applies as much to people’s hopes of dignity, rights and peace as it does to Gaza reconstruction. It is clear that an enduring solution to the conflict must embrace human rights. Respect for human rights leads to the mutual respect, dialogue and understanding upon which the foundations of peace are laid. Without addressing the violations and abuses of international human rights law and international humanitarian law that are both a cause and consequence of the conflict and violence, a sustainable political solution will be impossible to reach. Those two dimensions — political and human rights — are inextricably linked. After yet another escalation in

¹¹⁷ www.un.org/wcm/content/sit./undpa/main/about/speeches/pid/25503.

¹¹⁸ A/ES-10/273 and Corr.1.

¹¹⁹ S/PV.7281, p. 3.

Gaza, and with the West Bank, including East Jerusalem, again on the brink of increased violence, the cycle of violations and conflict must be brought to an end.

IV. Recommendations

73. All duty bearers must comply fully with international law, including by adequately remedying, and ensuring accountability for, violations and abuses. That involves fully complying with the Advisory Opinion of the International Court of Justice on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory and with the recommendations of the United Nations human rights treaty bodies, and implementing previous recommendations by the Secretary-General and the High Commissioner for Human Rights, which remain valid but unimplemented.

74. Obstacles to peace and to Palestinians' enjoyment of their human rights, including their right to self-determination, must be removed. That means the ending and reversal of all settlement activity in the West Bank, including East Jerusalem, the full lifting of the blockade on Gaza and the ending of the occupation of Palestinian land. At the same time, due consideration should be given to ensuring the legitimate security needs of Israel with due respect for international humanitarian law and international human rights law.

75. All parties should refrain from unilateral actions that only exacerbate tensions and resentment. They should promote an environment that is conducive to peace, mutual understanding and respect for human rights.
